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SUBJECT: QUARTERLY HUMAN RIGHTS CERTIFICATION CONSULTATIONS  
FOCUS ON EXTRAJUDICIAL KILLINGS AND VIOLENCE AGAINST  
INDIGENOUS

REF: A. BOGOTA 4485  
[1](#)B. BOGOTA 4457

[1](#)1. Summary. Post's quarterly consultations with human rights groups focused on recent violence against indigenous communities and extrajudicial killings. Participants highlighted the recent killing of Edwin Legarda--husband of Cauca indigenous leader Aida Quilcue--by military forces as evidence of violations of some certification criteria. The representative of Afro-Colombian group CIMARRON told us the military must do more to boost the number of Afro-Colombian officers in the military. The group also criticized the GOC's slow progress in investigating extrajudicial killings (EJEs) by security forces, adding that reports of secret military Directive 29 of 2005 raised questions about 2008 progress generated by new directives and reforms. Participants acknowledged work by the GOC (and Embassy efforts) to transfer cases from the military justice system to civilian judicial authorities, and said they remain eager to continue their dialogue with the Embassy. End Summary.

[1](#)2. On December 19, post hosted our quarterly consultations with human rights groups. As agreed previously with the groups, the discussion focused on issues dealing with general criteria for the Human Rights Certification process. Attendees included: Alberto Yepes of the Coordinacion Colombia-Europa Estados Unidos (CCEEU), Juan de Dios Mosquera of the Movimiento Nacional por los Derechos Humanos de las Comunidades Afrocolombianas (CIMARRON), Fatima Esparza of the Comision Colombiana de Juristas (CCJ), and Gisela Paternina of the Comision de Solidaridad de Presos Politicos (CSPP).

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DEATH OF EDWIN LEGARDA  
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[1](#)3. Participants expressed concern over the December 16 killing of Edwin Legarda (the husband of Cauca indigenous leader Aida Quilcue) by the military in Cauca (reftels). Alberto Yepes of CCEEU claimed the killing was deliberate, and said Legarda's car was well known in the region. He claimed soldiers had fired seventeen shots at the vehicle. Yepes said the killing came less than a week after Vice President Francisco Santos offered an apology for illegal killings by military forces to the UN Human Rights Commission in Geneva, and was evidence that the GOC was reneging on their promises. Yepes questioned whether the order to shoot at the vehicle came from a commander, and asked (rhetorically) whether operational legal advisors had signed off on the orders. Yepes claimed that 68 indigenous had been killed in 2008, 29 more than the previous year, and

questioned whether newly announced reforms would have an impact on violence against indigenous. The killing raised questions as to whether the USG could certify the military on human rights, he added.

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EXCLUSION OF AFRO-COLOMBIANS IN THE MILITARY  
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¶4. Juan de Dios Mosquera of CIMARRON said that racial exclusion within the Ministry of Defense (MOD) remained a serious problem, and questioned why Afro-Colombian officers were being passed over for promotion. Mosquera said that at a November 10 officer graduation and promotion ceremony, 42 lieutenants and 58 captains graduated--none Afro-Colombian. He added that of the 36 majors who graduated, two were Afro-Colombians; those two entered the military in a special program in 1996 designed to increase Afro-Colombian participation. Of the 12 officers who entered the program, six were now majors, but lagged behind their peers in terms of time to promotion. Mosquera stressed that the special program had not been repeated since 1996, and said that the military needed to address the situation.

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EXTRAJUDICIAL KILLINGS  
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¶5. Participants criticized the GOC's slow progress in investigating extrajudicial killings (EJEs) by security forces, and said that recently published press reports of a

classified MOD directive, (Directive 29 - of 2005) raised questions as to whether any progress had been made through other recent directives and reforms. Yepes claimed that human rights groups registered 535 EJEs between January 2007-June 2008. UN officials have told us separately that their numbers are lower for the same period, though declined to release specific figures. Yepes said the Soacha cases were not unique, and that the military used EJEs to increase enemy killed in combat numbers. Yepes added that Directive 29 gave the military tacit permission to commit EJEs through a system of monetary incentives to emphasize body count. Fatima Esparza of CCJ said the promotion of new Army Commander General Oscar Gonzalez Pena represented an example of an officer promoted based on body count--with no consideration for human rights. Participants said that the GOC must publicly repudiate Directive 29 if it expects to be taken seriously on the issue of EJEs. The group acknowledged that the firing of 27 officers in connection to the Soacha case was a positive development and starting point.

¶6. Gisela Paternina of CSPP raised concerns about military justice involvement in the investigations of EJEs. We highlighted recent work with the MOD and the Prosecutor General's office (Fiscalia) on creating standards and protocols for investigations and projects to build confidence between military and civilian justice officials, and noted that 600 cases were transferred from military to civilian jurisdiction in 2008--compared to only 33 in 2007. The group requested continued work in this area. Esparza and Yepes also asked the Embassy work with the Fiscalia to protect victims' families and NGOs that file complaints on behalf of the EJE victims. Participants told us they wanted to maintain an active dialogue with the Embassy, and thanked the USG for openness and advocacy on human rights issues.

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